

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MICHAEL CACOPERDO,

Civ. Act. No.: 10-civ-7847 (RPP)

Plaintiff,

-against-

HARTFORD LIFE INSURANCE COMPANY,

Defendant.

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**DECLARATION OF
MICHAEL H. BERNSTEIN**

DOCUMENT
ELECTRONICALLY FILED

MICHAEL H. BERNSTEIN, being duly sworn, deposes and states:

1. I am a member of the firm of Sedgwick LLP, attorneys for defendant Hartford Life Insurance Company (“Hartford”). As such, I am fully familiar with the facts and circumstances in this matter.

2. I submit this Declaration and the exhibits annexed hereto in opposition to Plaintiff’s motion for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting summary judgment in his favor on his complaint seeking an award of benefits pursuant to the Employee Retirement Income Security Act of 1974 (“ERISA”) §502(a)(1)(B).

3. Annexed as Exhibit “I” is a true and correct copy of relevant pages from the Brief For Plaintiff-Appellant from *Testa v. Hartford Life Insurance Company*, No. 11–974–cv (2d Cir.), that was filed in the Second Circuit on June 20, 2011 by Frankel & Newfield, P.C. (Doc. No. 68).

4. Annexed as Exhibit “J” is a true and correct copy of the Stipulated Protective Order, dated January 30, 2009, that was filed in the U.S. District Court for the Eastern District of New York in *Testa v. Hartford Life Insurance Company*, No. 08Civ0816(FB)(RER), under Doc. No. 36.

5. Attached as Exhibit “K” is a true and correct copy of the Declaration of Barbara S. Campbell, dated February 23, 2011, that was filed in the U.S. District Court for the Southern District of

New York in *Young v. Hartford Life and Accident Insurance Company*, Civ. Act. No. 09-CV-9811(RJH) (S.D.N.Y.). (Doc. No. 45).

6. Attached as Exhibit “L” is a true and correct copy of Plaintiff’s Revised Rule 26(a) Initial Disclosures that was served on November 23, 2011.

7. Attached as Exhibit “M” is a true and correct copy of the Brief For Plaintiff-Appellant from *Hobson v. Met Life Insurance Company*, No. 11–974–cv (2d Cir.), that was filed in the Second Circuit on July 31, 2007 by Frankel & Newfield, P.C. *See Hobson v. Met Life Insurance Company*, No. 11–974–cv, 2007 WL 7073780, at *47 (2d Cir. July 31, 2007).

Dated: New York, New York
June 22, 2012

I declare under penalty of perjury that the foregoing is
true and correct.

s/

MICHAEL H. BERNSTEIN (MB 0579)

CERTIFICATE OF SERVICE

I, DANIEL M. MEIER, hereby certify and affirm that a true and correct copy of the attached **DECLARATION OF MICHAEL H. BERNSTEIN** was served **via ECF** and **via Regular Mail** on June 22, 2012, upon the following:

Jason A. Newfield, Esq.
Frankel & Newfield, P.C.
585 Stewart Avenue - Suite 312
Garden City, New York 11530

Dated: New York, New York
June 22, 2012

s/_____
DANIEL M. MEIER (DM 2833)